

1:FW

Date: July 20, 2005

From: Shakeel Mustafa
24831 Hendon Street
Laguna Hills, CA 92653
Tel:- 949-457-1243

To: The Petition Office
P.O. Box 1450
Alexandria, VA 22313

Re: Petition to the Director to Reinstate Application # 09/848,670 under 37CFR 1.181

Dear Sir/Madam:

I would like to state the following facts for your kind consideration:

I filed a utility Patent Application number 09/848,670 with filing date of May 04, 2001. I moved to a new location and faxed a Change of Correspondence Address Form on July 17th, 2004. I received the Auto-Reply Transmission confirming that my change of address form was received. In the first week of January 2005, I happened to access the PAIR website, which I was not aware of that before, and realized that a Non-Final Rejection correspondence was mailed to my old address on September 08th, 2004. The mail was returned to USPTO as undeliverable on October 05, 2004.

I contacted the primary examiner, Courtney Fields, and told her that the mail was sent to my old address in October 2004 even though I submitted the change of address form earlier on July of 2004. She advised me to resubmit a new change of Address Form which I submitted again on January 06, 2005.

On April 3rd, 2005, I sent my "Applicant's Arguments and Remarks" within the permitted period of three month to respond to the Non-Final Action. I was hoping to get a review of my application when I got the notice in the mail stating that my Application was being abandoned stating the reasons that I failed to reply in the timely manner to the Non-Final Rejection Office Action mailed to me on October to my old address and which I never received.

As I stated earlier that I indeed faxed the change of Address Form on July 17, 2004 and I received a confirmation for that fax as well. Please attach find the copy of the Change of Address Form along with the confirmation receipt of that fax which I received from the USPTO.

In the light of the above stated facts, I would like to request you to reinstate my Patent Application for its further evaluation on its merits in the timely manner. I will appreciate your help in this matter.

Regards,

Shakeel Mustafa



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,670	05/04/2005	Shakeel Mustafa	SH0004	7787

7590

06/01/2005

SHAKEEL MUSTAFA
24831 Hendon St.
Laguna Hills, CA 92653

EXAMINER

FIELDS, COURTNEY D

ART UNIT

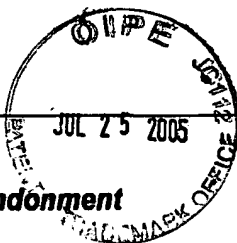
PAPER NUMBER

2137

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment



Application No.

09/848,670

Examiner

Courtney D. Fields

Applicant(s)

MUSTAFA, SHAKEEL

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 08 September 2004.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

Applicant filed a response on April 3, 2005 which is after the expiration of the period for reply (including a total extension of time of 8 months which expired on May 8, 2005).

Matthew D. Smithers
MATTHEW SMITHERS
 PRIMARY EXAMINER
 Art Unit 2137

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

20

JUL 25 2005



Auto-Reply Facsimile Transmission

TO: Fax Sender at 1 949 457 1243

Fax Information
Date Received: 7/17/2004 8:42:29 PM [Eastern Daylight Time]
Total Pages: 1 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page

→

Shakeel Mustafa

1-949-457-1243 p.1

PTD5B86G (04-02)

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U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE
under the Paragraph Protection Act of 1988, no person can register or transmit in a collection of information unless it meets § 1062(a) & 1069 CDR control number.

CHANGE OF CORRESPONDENCE ADDRESS Application	
Address to: Assistant Commissioner for Patents Washington, D.C. 20231	Application Number 091848.670
	Filing Date 05/04/2001
	First Inventor Inventor SNAKEEL MUSTAFA
	Attorney 2137
	Examiner Name
	Attorney Digital Number

Please change the Correspondence Address for the above identified application to:

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I am the :

☒ Applicant/inventor.
☐ Assignee of record of the entire interest.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTD5B86G).
☐ Attorney or Agent of record.
☐ Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(b)(1). Registration number _____

Type or Printed Name

Signature

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

Before Your Statement This form is intended to take 3 minutes to complete. Please do not describe items the results of the individual case. Any correspondence the receipt of this form will require to complete. All fees should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETE FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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CORRESPONDENCE ADDRESS
Application**Address to:
Assistant Commissioner for Patents
Washington, D.C. 20231

JUL 25 2005

Application Number

09/848,670

Filing Date

05/04/2001

First Named Inventor

SHAKEEL MUSTAFA

Art Unit

2137

Examiner Name

Attorney Docket Number

Please change the Correspondence Address for the above-identified application
to:☐

Customer Number

Type Customer Number here

Place Customer
Number Bar Code
Label here

OR

☒ Firm or
Individual Name

SHAKEEL MUSTAFA

Address

24831 HENDON STREET

Address

City

LAGUNA HILLS

State

CA

ZIP

92653

Country

USA

Telephone

949-457-1243

Fax

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

I am the:

☒

Applicant/Inventor.

☐Assignee of record of the entire interest.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).☐

Attorney or Agent of record.

☐Registered practitioner named in the application transmittal letter in an application without an
executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number _____Typed or Printed
Name

SHAKEEL MUSTAFA

Signature

Shakeel Mustafa

Date

07/17/2004

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.